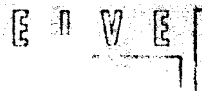




CITY OF NORTHAMPTON
Mayor Mary Clare Higgins
City Hall, 210 Main Street - Room 12
Northampton, MA 01060-3199
(413) 587-1249 Fax: (413) 587-1275

September 11, 2006



SEP 12 2006

Ms. Andrea Nixon, Clerk
Cable Television Division
One South Station
Boston, MA 02110

Re: CTV 06-1 – Petition by Verizon New England, Inc.

Dear Ms. Nixon:

The City of Northampton supports competition in the cable television marketplace and a reasonable permitting process for cable operators. We would welcome the entrance of another provider into our market under the current regulations. The existing licensing framework reasonably serves the interests of municipalities, incumbent cable operators, and competitive cable operators.

The City of Northampton submits the following comments on the Verizon Petition and proposed regulations regarding cable licensing for competitive providers:

- The proposed ninety day timeline would seriously undermine the licensing process and limit the ability of municipalities to negotiate cable franchises that ensure parity amongst providers, meet the level playing field clauses of existing licenses, allow for community input, and are responsiveness to community needs. Northampton recently completed an ascertainment process and renewal of an existing cable license agreement. It is very clear from this renewal process that a good faith cable franchising process takes approximately one year to complete. During our recent ascertainment process we conducted significant public outreach from high school students to senior citizens. That inclusive public process was essential in the creation of the final licensing document with the cable provider.
- Oftentimes the information submitted in an application is incomplete and additional information and fact finding is necessary to make an informed decision. Regulations need to provide adequate time and a process to obtain supplemental information from the applicant and the public.
- The review process for competitive cable providers must include and be based upon community needs determined in an ascertainment process as well as the applicant's submittal.
- Thirty days from a public hearing to negotiate the details of a license is insufficient time to achieve a fair and reasonable agreement for all parties. Even Verizon has difficulty removing poles in a timely fashion, an integral part of their operations. We understand the time constraints that all entities encounter in their normal operations and expect the

same understanding a utility provider such as Verizon.

- The proposed regulations place the entire procedural burden on municipalities. The licensing process should include reasonable timelines and negotiating requirements on all parties involved in the licensing process.
- Regulations should require competitive license applicants to include a reasonable analysis of how it will meet the level playing field requirements in existing license agreements.
- Municipalities must have the right to base a decision on the adequacy of an applicant's proposal to meet the public interest.

Any new regulations regarding cable franchising need to be developed and considered in the context of trends in telecommunications as a whole and in light of pending legislation on the federal level. Telecommunications and cable licensing must ensure municipal rights to control and manage local rights of way, be adequately compensated for private use of public property, ensure parity amongst providers, and protect the public interest.

I would urge the Cable Division to reject the competitive licensing regulations proposed by Verizon. Please ensure that any future telecommunications legislation is developed with state, municipal, and public access center input as well as provider input. I would support a collaborative effort between the Commonwealth, the Massachusetts Municipal Association, and cable providers to evaluate and revise the cable licensing regulations that incorporates the interests of all parties involved.

Thank you.

Sincerely,



Mayor Mary Clare Higgins

Cc: Massachusetts Municipal Association
Verizon New England, Inc.